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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/616,809	07/14/2000	James Richard Wason	13679(END9-2000-0080US1)	6597

7590 01/15/2009  
Richard L. Catania Esq  
Scully Scott Murphy & Presser  
400 Garden City Plaza  
Garden City, NY 11530

EXAMINER
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CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2178

MAIL DATE	DELIVERY MODE
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01/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/616,809	<b>Applicant(s)</b> WASON, JAMES RICHARD	
	<b>Examiner</b> JOSHUA D. CAMPBELL	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-17 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment filed on 10/15/2008.
2. Claims 1-3 and 5-19 are pending in this case. Claims 1, 6, and 10 are independent claims. Claims 1, 6, and 10 have been amended. Claim 19 has been newly added.
3. The rejection of claims 6-9 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter has been withdrawn due to amendments.

### ***Allowable Subject Matter***

4. Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim (claim 1) and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 4-17 remain rejected under 35 U.S.C. 102(e) as being anticipated by Andrews et al. (hereinafter Andrews, US Patent Number 6,317,871, filed on July 17, 1998).

**Regarding independent claim 1**, Andrews discloses a method in which a plurality of templates are created from samples of a text file, wherein each template has literal fragments of the text file and includes substitution points that are filled with application data (column 7, line 65-column 9, line 50 of Andrews, examiner points to column 4, lines 1-60 for the definitions of the terms used in Andrews). Andrews also discloses that if the format of the text file changes the templates are also changed (column 7, line 65-column 9, line 50 and column 11lines 20-40 of Andrews). A macro class exists in which maps data from the text file to the computer application (column 7, line 65-column 9, line 50 of Andrews). A pointer to the macro class is embedded in one of the templates, that template being used as a prototype to generate a segment of an output file (column 7, line 65-column 9, line 50 of Andrews). When the pointer is reached in one of the templates, the pointer invokes the macro class and it uses the class to map data from one of the segments to the application and the macro invokes another template to further process the text file (column 7, line 65-column 9, line 50 of Andrews). Andrews discloses that the macro class handles the iterations (bound by the beginning and end of the macro bodies in the macro definition), conditional logic (compiler directives for conditional logic based on the parameters provided by the macro definition), and provides the data for preparation (macro actual parameter) for the template that is invoked by the macro class (column 7, lines 11-43 of Andrews).

**Regarding dependent claim 2**, Andrews discloses a method in which the macros class reads a segment of the text file and uses the segment to initiate application update processing (column 7, line 65-column 9, line 50 of Andrews).

**Regarding dependent claim 3,** Andrews discloses a method in which the macros class derives data from the application and formats it into the text file (column 7, line 65-column 9, line 50 of Andrews).

**Regarding dependent claim 5,** Andrews discloses a method in which a controller is used that prevents structure clashes by placing text and data into appropriate places in a complex object structure as the text file is processed (column 7, line 65-column 9, line 50 of Andrews)

**Regarding dependent claim 14,** Andrews discloses a method in which the pointer that invokes the macro class also passes another template name, that template name is used invoke another template to process the text file (column 7, line 65-column 9, line 50 of Andrews).

**Regarding independent claim 6 and dependent claims 7-9 and 15,** the claims incorporate substantially similar subject matter as claims 1-3, 5, and 14. Thus, the claims are rejected along the same rationale as claims 1-3, 5, and 14.

**Regarding independent claim 10 and dependent claims 11-13 and 16,** the claims incorporate substantially similar subject matter as claims 1-3, 5, and 14. Thus, the claims are rejected along the same rationale as claims 1-3, 5, and 14.

**Regarding dependent claim 17,** Andrews discloses that the controller sets up a complex object structure and places the text data into that structure, and when the entire text file is processed that structure is used to process updating data into the application (column 7, line 65-column 9, line 50 of Andrews).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-3 and 5-17 have been considered but are moot in view of the new ground(s) of rejection provided above.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua D Campbell/  
Primary Examiner, Art Unit 2178  
January 8, 2009